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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,561	01/09/2001	James A. Munro	03971.P014	1230

7590

09/26/2006

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EXAMINER
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SANTIAGO, ENRIQUE L

ART UNIT	PAPER NUMBER
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2628

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/757,561

Applicant(s)

MUNRO, JAMES A.

Examiner

Enrique L. Santiago

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Response to Arguments**

Applicant's arguments have been fully considered but they are not persuasive.

In response to applicant's argument that Power Point is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the applicant is dealing with manipulating multiple images (see the abstract) which is also done with Power Point (the images could be imported through a network).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "in conjunction with, a web browser...") are not recited in claim 1). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention. However it is not necessary that the references actually suggest, expressly or in so many words the changes or improvements that the applicant has made. The test for combining references is what the references, as a whole would have suggested to one of ordinary skill in the art. The rejection of claims 1-54 is affirmed.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-15, 18-23, 25, 27-29, 33-40, 42-46 and 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronin III et al., U.S. Patent No. 6,182,127 B1 in view of Microsoft Power Point 97.

-Regarding claim 1, Cronin discloses an apparatus comprising a multiple-image viewer to display a window and to simultaneously display a plurality of images within said window after receiving the plurality of images (col. 3, line 62-column 3, line 4, col. 5, lines 45-54) from one or more remote sources over a network (col. 1, lines 57-65), the viewer enabling manipulation of each of the images (col. 4, lines 37-44, col. 5, lines 45-54), each of the displayed images is represented by a separate data file (col. 1, lines 57-65 and col. 5, lines 45-54) at least one of the displayed images is represented by a raster graphics file (col. 5, lines 45-54, col. 6, lines 49-55).

Cronin does not directly teach manipulation by a user of the images independently of each other, however in similar art Microsoft Power Point teaches said limitation (A user may create a presentation by starting Power Point, then selecting [Blank Presentation], from the pull down menu selecting [insert], then [picture], then [Clip Art] and inserting several clip art images. These images may be manipulated {changing size, etc} by a user independently of each other).

Therefore it would have been obvious to one skilled in the art at the time of the invention to combine Cronin with the capabilities of MS Power Point, because it could be used to emphasize one image over the others.

-Regarding claim 2, Cronin discloses where the manipulation of an image consists of linking to an image (col. 6, line 6).

-Regarding claim 3, Cronin discloses where the viewer comprises a web-based application (col. 1, line 61).

-Regarding claim 4, Cronin discloses where the application is one in a group consisting of an Active-x control (col. 8, line 33).

-Regarding claim 5, Cronin discloses where the window consists of a browser (col. 1, line 65).

-Regarding claim 6, Cronin discloses where the window is defined by a page description language (HTML col.1, line 64).

-Regarding claim 7, Cronin discloses where the viewer comprises a computer-readable medium containing a program (col. 2, lines 6-8).

-Regarding claim 8, Cronin discloses where the network system is one in a group of a client server system (col. 2, lines 6-14).

-Regarding claim 10, Cronin discloses where the displayed image comprises a multi-resolution capability (col. 3, line 31).

-Regarding claim 11, Cronin discloses where the viewer manipulates the images as a group as well as individually (col. 8, lines 44-4).

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-Regarding claim 12, Cronin discloses a module to determine which part of an image will appear in the window and then request that data (col. 4, lines 45-6).

-Regarding claim 13, Cronin discloses a module to calculate geometric coordinates of a portion of the displayed image to appear in the window and then request the block data (col. 4, lines 60-67).

-Regarding claim 14, Cronin discloses a module to display multiple images at different resolutions (col. 3, line 31).

-Regarding claim 15, Cronin discloses where the image has a hierarchical structure (col. 4, lines 50-1).

-Regarding claim 18, Cronin discloses a module to decode and display images within the window (col. 3, lines 24-26).

-Regarding claim 19, Cronin discloses a module to keep track of data in the window and data stored in cache (col. 4, lines 40-57).

-Regarding claim 20, Cronin discloses a module to scale the displayed image with data stored in a cache until the viewer decodes the data (col. 4, lines 52-57).

-Regarding claim 21, Cronin discloses a module to request data only for the displayed image to appear in the window (col. 7, lines 14-17).

-Regarding claim 22, Cronin discloses a module to request all data pertaining to image, but only to decode a portion of the data to appear (col. 7, lines 14-2).

-Regarding claim 23, Cronin discloses a module to request and decode data corresponding to an actual area of an image, blocks of data surrounding the image (col. 7, line 18), and data for one level of higher resolution (col. 3, lines 66-67).

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-Regarding claim 25, the remarks directed to claim 15, above, apply equally to this claim.

-Regarding claim 27, Cronin discloses a predetermined setting to cause a client to request more data for the displayed image (col. 7, lines 21-24).

-Regarding claim 28, Cronin discloses where the predetermined setting is a size of the image (col. 6, line 8).

-Regarding claim 29, Cronin discloses where the predetermined setting comprises a value set at the time of the creation of the web page (col. 7, lines 21-24).

-Regarding claim 33, the rationale for claim 1 is incorporated. Cronin discloses a client having a memory (col. 3, lines 7-1), an image database (or “library”) associated with the server (col. 6, line 5), a network connection to enable transfer of the displayed images from the image database to the client (see fig. 1, column 1, line 57-column 2, line 15, column 2, line 66-column 3, line 17).

-Regarding claim 34, the remarks directed to claim 15, above, apply equally to this claim.

-Regarding claim 35, the remarks directed to claim 20, above, apply equally to this claim.

-Regarding claim 36, the remarks directed to claim 10, above, apply equally to this claim.

-Regarding claim 37, the remarks directed to claim 11, above, apply equally to this claim.

-Regarding claim 38, the remarks directed to claims 1 and 6, above, apply equally to this claim.

-Regarding claim 39, the remarks directed to claim 15, above, apply equally to this claim.

-Regarding claim 40, the remarks directed to claim 10, above, apply equally to this claim.

-Regarding claim 42, the remarks directed to claim 20, above, apply equally to this claim.

-Regarding claim 43, the remarks directed to claim 30, above, apply equally to this claim.

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-Regarding claim 44, the remarks directed to claims 1 and 6, above, apply equally to this claim.

-Regarding claim 45, the remarks directed to claim 15, above, apply equally to this claim.

-Regarding claim 46, the remarks directed to claim 10, above, apply equally to this claim.

-Regarding claim 48, the remarks directed to claim 20, above, apply equally to this claim.

-Regarding claim 49, the remarks directed to claim 30, above, apply equally to this claim.

-Regarding claim 50, the remarks directed to claim 10, above, apply equally to this claim.

-Regarding claims 51-54, Cronin does not directly teach multiple (raster) images that are not all elements of the same image. However in similar art Microsoft Power Point 97, teaches multiple images that are not all elements of the same image (see the above rejection of claim 1). Therefore it would have been obvious to one skilled in the art at the time of the invention to combine Cronin with the capabilities of MS Power Point, because it could be used to display different images simultaneously and to emphasize one image over the others.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 16, 24, 26 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronin III et al., U.S. Patent No. 6,182,127 B1 in view of Microsoft Power Point 97 and further in view of Knowlton et al., U.S. Patent No. 5,973,692.



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-Regarding claim 9, Cronin and Microsoft Power Point do not disclose where the image has a folder with a hierarchical structure. However in similar art Knowlton discloses a directory with a hierarchical structure (col. 19, lines 17-24). Therefore at the time the invention was made it would have been obvious to a person of ordinary skill in the art to utilize an image directory with a hierarchical structure in combination with Cronin and Microsoft Power Point, because it would provide an aid to the user when selecting graphics images (col. 19, line 22).

-Regarding claim 16, the remarks directed to claim 9, above, apply equally to this claim.

-Regarding claim 24, the remarks directed to claim 9, above, apply equally to this claim.

-Regarding claim 26, Knowlton discloses a subfolder ms shown in the remarks to claim 9 above.

-Regarding claim 30, Cronin and Microsoft Power Point do not disclose a predetermined setting having a value below which a representation of the object is displayed and above which the object is displayed.

However in similar art Knowlton discloses a predetermined setting having a value below which a representation of the object is displayed and above which the object is displayed (col. 17, lines 50-57). Therefore at the time the invention was made it would have been obvious to a person of ordinary skill in the art to have a predetermined setting having a value below which a representation of the object is displayed and above which the object is displayed, because it would save computer resources and provide valuable information to the graphics user.

-Regarding claim 31, Knowlton discloses an image as shown in the remarks to claim 30 above.

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-Regarding claim 32, Cronin and Microsoft Power Point do not disclose a predetermined setting having a value below which the object is not displayed and above which the object is displayed. However in similar art Knowlton discloses a predetermined setting having a value below which the object is not displayed and above which the object is displayed (col. 17, lines 50-57). Therefore at the time the invention was made it would have been obvious to a person of ordinary skill in the art to have a predetermined setting having a value below which the object is not displayed and above which the object is displayed, because it would save computer resources and provide valuable information to the graphics user.

Claims 17, 41 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronin III et al., U.S. Patent No. 6,182,127 B1 in view of Microsoft Power Point 97 and further in view of Chui, U.S. Patent No. 5,909,518.

Cronin III et al. and Microsoft Power Point do not disclose image compression according to a block based integer wavelet transform scheme. Cronin III et al. does disclose image compression (col. 8, line 36). The applicant discloses in paragraph 50 a block-based integer wavelet transform entropy-coding scheme found in Chui (col. 2, line 60). Therefore at the time the invention was made it would have been obvious to a person of ordinary skill in the art to utilize a block-based integer wavelet transform entropy-coding scheme for compression. Thus one of ordinary skill in the art would have been motivated to do this because wavelet transform is a standard data compression scheme and the type of compression scheme used would not affect the nature of the invention.

-Regarding claim 41, the remarks directed to claim 17, above, apply equally to this claim.

-Regarding claim 47, the remarks directed to claim 17, above, apply equally to this claim.

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### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Enrique L Santiago whose telephone number is (571) 272-7648. The examiner can normally be reached on Monday to Thursday from 6:30 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark K. Zimmerman whose telephone number is (571) 272-7653, can be reached on Monday to Friday from 7:00 A.M. to 3:30 P.M.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

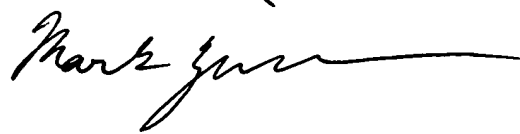
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Enrique L. Santiago

September 20, 2006



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